



ATTORNEY DOCKET NO.
069078.0104 (ET004)

01-31-03

PATENT APPLICATION
09/844,170

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James M. Florence
Serial No.: 09/844,170
Filing Date: April 25, 2001
Group No.: 2874
Examiner: Hemang Sanghavi
Title: METHOD AND APPARATUS FOR
SWITCHING OPTICAL SIGNALS WITH
A PHOTON BAND GAP DEVICE

TECHNOLOGY CENTER 2800

FEB - 3 2003

RECEIVED

Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

I hereby certify that the enclosed documents are being deposited with the United States Postal Service "Express Mail Post Office Addressee" service, under 37 C.F.R. 1.101 on this 29th day of January, 2003, addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

Willie Ties

Express Mail Certificate
EV 193173366 US

SECOND INFORMATION DISCLOSURE STATEMENT

The present application was previously allowed, and the issue fee had been paid. However, before the patent issued, Applicant petitioned to have the present application withdrawn from issue, in order to permit filing of a Request for Continued Examination (RCE) and an Information Disclosure Statement. The Petition was granted in a Decision mailed on

January 22, 2003. The RCE accompanied the Petition, and the Petition included a request for a one-month suspension of action, in order to allow time for filing of this Information Disclosure Statement. Accordingly, this Information Disclosure Statement is being submitted within one month after the Petition was granted.

In more detail, and pursuant to the provisions of 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant is enclosing copies of several documents which may be material to examination of the present application. More specifically, Applicant is submitting a copy of a PCT Search Report (PCT/ISA/220 and 210), which was issued by the European Patent Office (EPO) in a corresponding PCT application. This PCT Search Report cites five documents, and a copy of each is enclosed. In addition, Applicant is enclosing a copy of U.S. Patent No. 6,456,416, which corresponds to European Publication No. 1,089,095, but which has an earlier effective date. Further, Applicant is enclosing a copy of U.S. Patent No. 6,310,991, which is an English-language counterpart of enclosed German-language PCT Publication No. WO-98/53350. Each of the enclosed documents is listed on enclosed Form PTO-1449.

As explained above, this Information Disclosure Statement is being submitted in association with filing of an RCE, and thus prior to issuance of a first Office Action in the RCE. Accordingly, no fee is believed to be due in association with the filing of this Information Disclosure Statement.

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Favorable consideration of this application is respectfully requested.

Respectfully submitted,
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Date: January 29, 2003

Enclosures: PCT Search Report (4 sheets)
Form PTO-1449, and one copy
of each listed document
Acknowledgment Post Card